

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

MIGUEL QUINONES,

Plaintiff,

v.

Civil Action No. 5:04-1325

THOMAS MCBRIDE, Warden,
Mount Olive Correctional Complex,

Defendant.

JUDGMENT ORDER

By Standing Order entered on July 21, 2004, and filed in this case on December 21, 2004, this matter was referred to United States Magistrate Judge R. Clarke VanDervort. Pursuant to 28 U.S.C. § 636(b)(1)(B), the Standing Order directs Magistrate Judge VanDervort to submit proposed findings and recommendation concerning the disposition of this matter. Magistrate Judge VanDervort submitted his Proposed Findings and Recommendation on August 29, 2005. The magistrate judge made the following recommendations: (1) that the court confirm and accept the magistrate judge's findings, (2) that the court deny plaintiff's motion for injunctive relief (Docket Nos. 2 & 23), and (3) that the court refer this matter back to the magistrate judge for consideration of defendant's motion to dismiss.

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted ten days, plus three mailing days, in which to file any objections to Magistrate Judge VanDervort's Proposed

Findings and Recommendation. The failure of any party to file objections within the appropriate time frame constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140 (1985).

Plaintiff filed his objections on September 20, 2005. The court has conducted a de novo review of the record as to all of the objections. For reasons to be discussed in a memorandum opinion to be filed forthwith, the court OVERRULES the plaintiff's objections. The court now (1) CONFIRMS and ACCEPTS the magistrate judge's findings, (2) DENIES plaintiff's motions for injunctive relief (Docket No. 2 & 23), and (3) REFERS this matter back to the magistrate judge for preparation of proposed findings and recommendations as to the disposition of this case.

The Clerk is directed to forward a copy of this Order to the plaintiff, pro se, and to all counsel of record.

IT IS SO ORDERED this 22nd day of September, 2005.

ENTER:

A handwritten signature in cursive script, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Chief Judge